

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARLOS RAMON BAEZ-LARA
Petitioner

v.

UNITED STATES OF AMERICA
Respondent

Civil No. 05-1073(PG)

Re: Criminal No. 01-129(PG)

MAGISTRATE-JUDGE'S REPORT AND RECOMMENDATION

On January 21, 2005 petitioner Carlos Ramón Báez-Lara filed a petition under 28 U.S.C § 2255: (**Docket No. 1**). The government answered petitioner's claims on March 31, 2005 (**Docket No. 6**).

Now petitioner Báez-Lara informs that the Bureau of Prisons has reviewed and modified the expiration date of his sentence. It appears that the projected release date has been advanced to April 18, 2005 (rather than June 20, 2006) (**Docket No. 8**).

Actually an inquiry through the U.S. Marshals Service reflects that petitioner Báez-Lara was released from custody on April 19, 2005. In view that petitioner is seeking dismissal of the § 2255 petition, the ten (10) day period to object to this Report and Recommendation is deemed waived. Accordingly, it is **RECOMMENDED** that petitioner Baez-Lara's request for dismissal of his § 2255 be **GRANTED**.

IT IS SO RECOMMENDED.

At San Juan, Puerto Rico, on this 28th day of April , 2005.

AIDA M. DELGADO-COLON
U.S. Magistrate-Judge

